

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MATTHEW L. PEPPER

PLAINTIFF

VS.

CIVIL ACTION NO. 1:08cv344-HSO-JMR

**HOMESALES, INC. and
JPMORGAN CHASE BANK**

DEFENDANTS

FINAL JUDGMENT

THIS MATTER COMES BEFORE THE COURT upon the Joint Motion to Dismiss filed on May 18, 2009 [44-1] by Plaintiff, Matthew Pepper (“Pepper” or “Plaintiff”) and Defendants, JPMorgan Chase Bank, N.A. (improperly identified as JPMorgan Chase Bank) (“Chase”) and Homesales, Inc. (“Homesales”) (collectively, the “Defendants”). Having considered same, the Court finds that said motion is well taken and should be granted. Accordingly,

IT IS, THEREFORE, ORDERED, ADJUDGED that, Homesales be, and hereby is, granted the right to immediate possession of the real property located at 412 Rue Chateauguay, Ocean Springs, Mississippi (the “Subject Property”), based on the prior June 28, 2007, foreclosure sale.

IT IS FURTHER ORDERED, ADJUDGED that, pursuant to the Court’s *Memorandum Opinion and Order Granting Defendants’ Motion for Summary Judgment, Denying Defendant JPMorgan Chase Bank’s Motions for Default Judgment and to Strike, and Granting Plaintiff’s Motion to Accept Answer to Counterclaim* [34-1], all claims asserted in this matter by Plaintiff be, and hereby are, dismissed with prejudice, with each party to bear its own costs.

IT IS FURTHER ORDERED, ADJUDGED that, all remaining claims asserted in this matter by the Defendants be, and hereby are, dismissed without prejudice, with each party to bear its own costs.

IT IS FURTHER ORDERED, ADJUDGED that, the two (2) lien notices filed by Pepper on December 17, 2007, encumbering the Subject Property (the “Liens”), are invalid and that Plaintiff execute and cause to be filed in the land records of Jackson County, Mississippi, any and all documents necessary to cancel said liens.

IT IS FURTHER ORDERED, ADJUDGED that, upon agreement of the parties, the *Notice of Appeal* filed by the Plaintiff [41-1] is hereby withdrawn, and that Plaintiff will file the necessary pleadings with the Fifth Circuit Court of Appeals to withdraw his appeal.

IT IS FURTHER ORDERED, ADJUDGED that, Plaintiff will not interfere with the Defendants’ efforts to market and sell the Subject Property.

IT IS FURTHER ORDERED, ADJUDGED that, Plaintiff is entitled to recover possession of a certain riding lawn mower located on the Subject Property at a date and time certain within 30 days after the entry of this Order, so long as an agent for Chase and/or Homesales is present at said date and time certain.

IT IS FURTHER ORDERED, ADJUDGED that, this matter be, and hereby is, closed.

IT IS FURTHER ORDERED, ADJUDGED that, the Clerk of this Court shall forward a copy of this Final Judgment to the Chancery Clerk of Jackson County, Mississippi.

SO ORDERED AND ADJUDGED, this the 2nd day of June, 2009.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT:

s/ Matthew L. Pepper
Matthew L. Pepper
Attorney for Plaintiff

s/ Mark H. Tyson
Mark H. Tyson (MSB #9893)
Attorney for JPMorgan Chase Bank, N.A. and Homesales, Inc.